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8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 AVETIS ARCHNIAN,

11 Petitioner,

12 vs.

13 WILLIAM GITTERE, *et al.*,

14 Respondent.

Case No. 3:19-cv-00177-ART-CBC

SUGGESTION OF DEATH

(DEATH PENALTY CASE)

15 Respondents, by this pleading suggest pursuant to Fed. R. Civ. P. 25(a)(1), the death of the
16 petitioner, Avetis Archnian. This suggestion is made and based upon the email from the Nevada
17 Department of Corrections confirming his death. Exhibit A.

18 This Court may entertain a state prisoner's petition for writ of habeas corpus only on the ground
19 that he is "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C.
20 § 2254(a). A petitioner's death renders the habeas petition moot. *See Garceau v. Woodford*, 399 F.3d
21 1101 (9th Cir. 2005) ("Because petitioner's death renders this case moot, the petition for a writ of
22 habeas corpus should be dismissed as moot."); *Griffey v. Lindsey*, 349 F.3d 1157 (9th Cir. 2003)
23 (same).

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Based upon the death of the petitioner, Respondents submit that this Court should dismiss this action.

RESPECTFULLY SUBMITTED this 28th day of September, 2022.

AARON D. FORD
Attorney General

By: /s/ Charles L. Finlayson
CHARLES L. FINLAYSON (Bar No. 13685)
Senior Deputy Attorney General

CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General and that on this 28th day of September, 2022, I served a copy of the foregoing **SUGGESTION OF DEATH**, by U.S. District Court CM/ECF electronic filing to:

Kelly L. Culshaw
David H. Harshaw III
Alyssa Mack
Assistant Federal Defenders
801 I Street, Third Floor
Sacramento, California 85814

/s/ Amanda White